

Message Text

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10

ACTION L-03

INFO OCT-01 NEA-10 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 TRSE-00 /064 W

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P 300400Z APR 76

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC PRIORITY 5272

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FOR L/PM

E.O. 11652: N/A

TAGS: PGOV, PFOR, PK,

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS

REFERENCE: STATE 094647

1. EMBASSY RESPONSE FOLLOWS PARAGRAPHING REFTTEL PARA (2):
A. YES. THERE ARE TWO PENAL LAWS (1) PAKISTAN PENAL CODE (P.P.C.) AND (2) THE PREVENTION OF CORRUPTION ACT 1947 ("P.C.A.") WHICH SPECIFICALLY DEAL WITH THE SUBJECT. SECTION 161 AND 162 P.P.C. PROVIDE CRIMINAL PUNISHMENT UPTO THREE YEARS TO A PUBLIC SERVANT WHO OBTAINS OR ATTEMPTS TO OBTAIN EITHER FOR HIMSELF OR A THIRD PERSON QTE GRATIFICATION, OTHER THAN LEGAL REMUNERATION IN RESPECT OF AN OFFICIAL ACT UNQTE. QTE GRATIFICATION UNQTE IS NOT RESTRICTED TO MONETARY PAYMENTS. SECTION 5 OF PCA DEALS WITH AGGRAVATED FORMS OF SECTIONS 161 AND 162 OF P.P.C. BOTH THESE OFFENCES CO-EXIST. IT IS A CRIMINAL OFFENCE OF A PUBLIC SERVANT UNDER PCA IF HE ACCEPTS OR OBTAINS OR AGREES TO ACCEPT OR ATTEMPTS TO OBTAIN FOR HIMSELF OR FOR ANY OTHER PERSONE ANY GRATIFICATION (OTHER THAN LEGAL REMUNERATION) OR ANY VALUABLE THING WITHOUT CONSIDERATION OR FOR A CONSIDERATION WHICH HE KNOWS TO BE INADEQUATE. FURTHER IT COVERS CASES OF DISHONEST OR
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FRAUDULENT MISAPPROPRIATION OR OTHERWISE CONVERSION FOR

HIS OWN USE ANY PROPERTY ENTRUSTED TO HIM OR UNDER HIS CONTROL AS A PUBLIC SERVANT. THIS SECTION COVERS CASE WHERE A PUBLIC SERVANT OR ANY OF HIS DEPENDENTS ARE IN POSSESSION OF PROPERTY OR RESOURCES FOR WHICH HE CT NOT REASONABLY ACCOUNT OR OF PROPERTY DISPROPORTIONATE TO HIS KNOWN SOURCE OF INCOME.

B. YES. PARA 12 OF THE GOVERNMENT SERVANT (CONDUCT) RULES 1964 REQUIRES EVERY GOVERNMENT SERVANT, AT THE TIME OF JOINING SERVICE TO MAKE A DECLARATION TO GOVERNMENT OF ALL HIS IMMOVABLE AND MOVABLE PROPERTIES INCLUDING SHARES, CERTIFICATES, SECURITIES, INSURANCE POLICIES, CASH AND JEWELLERY HAVING A TOTAL VALUE OF PAKISTANI RUPEES 10,000 (US \$1000) OR MORE BELONGING TO OR HELD BY HIM OR BY A MEMBER OF HIS FAMILY INDIVIDUALLY OR COLLECTIVELY. FURTHER EVERY GOVERNMENT SERVANT IS REQUIRED TO FILE AN ANNUAL RETURN IN THE MONTH OF DECEMBER SHOWING AN INCREASE OR DECREASE OF PROPERTY AS SHOWN IN THE DECLARATION FILED AT THE TIME OF HIS JOINING SERVICE OR AS THE CASE MAY BE, THE LAST ANNUAL RETURN. MOREOVER THERE ARE RESTRICTIONS ON THE ACCEPTANCE OF GIFTS BY THE GOVERNMENT SERVANTS. RULE 5 PROVIDES THAT WITHOUT THE PREVIOUS SANCTION OF THE GOVERNMENT, NO GOVERNMENT SERVANT IS ALLOWED TO ACCEPT OR PERMIT ANY MEMBER OF HIS FAMILY TO ACCEPT FROM A PERSON ANY GIFT THE RECEIPT OF WHICH WILL PLACE HIM UNDER ANY FORM OF OFFICIAL OBLIGATION TO THE DONOR.

C. YES. THERE IS NO LEGAL RESTRICTION ON PAYMENT OF COMMISSION TO LOCAL AGENTS OF SUPPLIERS ON SALE OR INVESTMENT TRANSACTIONS. HOWEVER SUCH PAYMENT TO THE SUPPLIER'S AGENT IS CUSTOMARILY ONLY PAYABLE IN NON-CONVERTIBLE LOCAL CURRENCY. THE PAK MILITARY HAS QUESTIONED PAYMENT OF AGENT'S FEES IN MILITARY PURCHASES BUT NO CONCLUSIVE POLICY HAS BEEN ESTABLISHED.

D. NO. THERE ARE NO LEGAL RESTRICTIONS ON POLITICAL CONTRIBUTIONS BY PAKISTANI INDIVIDUALS OR CORPORATIONS. HOWEVER THE POLITICAL PARTIES ACT 1962 PREVENTS A POLITICAL PARTY FROM RECEIVING CONTRIBUTIONS FROM ANY FOREIGN GOVERNMENT OR FOREIGN POLITICAL PARTY OR RECEIVING A SUBSTANTIAL PORTION OF ITS FUNDS FROM FOREIGN NATIONALS. LIMITED OFFICIAL USE

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E. NO.

F. NOT TO OUR KNOWLEDGE.

2. COPIES OF LAWS MENTIONED ABOVE BEING POUCHED TO L/PM. AMSTUTZ

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
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Copy: SINGLE
Draft Date: 30 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Enclosure: n/a
Executive Order: N/A
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